

REMARKS/ARGUMENTS

Favorable consideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-8 are presently pending in this application, Claim 4 having been amended and Claims 6-8 having been added by the present amendment.

In the outstanding Office Action, the abstract of the disclosure was objected to because of informalities; and Claims 1-5 were rejected under 35 U.S.C. 102(e) as being anticipated by Le Lievre et al. (U.S. Publication No. 2003/0196612).

Applicants respectfully requests the Examiner to acknowledge the claim for foreign priority under 35 U.S.C. § 119 for Japanese Application Serial No. 2003-154309 filed May 30, 2003. Note that a Request for Priority under 35 U.S.C. § 119 and the Priority Document of Japanese Application Serial No. 2003-154309 were filed on March 17, 2004 and the Application Data Sheet filed March 17, 2004 lists the foreign priority information. Accordingly, it is respectfully submitted that the Examiner acknowledge on the record the claim for foreign priority under 35 U.S.C. § 119.

Claim 4 has been amended and Claims 7 and 8 have been added to correct improper multiple dependencies. New Claim 6 is fully supported by the specification, drawings and claims as originally filled. Hence, no new matter is believed to be added thereby.

In response to the objection to the Abstract, the Abstract has been replaced to correct the noted informalities. Accordingly, no further objection on that basis is anticipated.

Briefly recapitulating, Claim 1 is directed to a control method for an electronically controlled thermostat. In this method, an actuator is used for cooling-water control of an internal combustion engine and the actuator is capable of optionally varying the valve-opening ratio. An engine control unit computes a target temperature by means of various engine parameters and distributes the power distribution amount required to operate the

actuator so that the cooling water temperature reaches the target temperature. The power distribution amount distributed to the actuator is determined by monitoring **only** the actual water temperature of the cooling water. Namely, according to the present invention recited in Claim 1, the actuator is controlled by monitoring **only** the actual water temperature of the cooling water so that the cooling water temperature reaches the target temperature.

Therefore, according to the present invention recited in Claim 1, the cooling water temperature can be appropriately and efficiently implemented irrespective of an engine load fluctuation in the operative state of the automobile.¹

The Office Action asserts that Le Lievre et al. disclose the present invention recited in Claims 1-5. However, Applicant notes that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Californial*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, Le Lievre et al. clearly do not meet each and every limitation of Claims 1-5.

Le Lievre et al. fail to disclose that the power distribution amount distributed to the actuator is determined by monitoring only the actual water temperature of the cooling water. Although Le Lievre et al. disclose that, when the temperature of the cooling fluid is higher than the second threshold temperature T2, the control means 19 regulate the flow rate in the radiation branch 4 so as to maintain the temperature T of the cooling liquid around a specified setpoint value Tc,² Le Lievre et al. do not disclose that how or based on what the flow rate is regulated so as to maintain the temperature T of the cooling liquid around a specified setpoint value Tc. The flow rate may be regulated according to the cooling water temperature **and** an engine torque, when the temperature of the cooling fluid is higher than the second threshold temperature T2. Nowhere Le Lievre et al. disclose that the actuator is controlled by

¹ See the present specification, page 21, lines 16-23.

² See Le Lievre et al., [0051].

monitoring only the actual water temperature of the cooling water so that the cooling water temperature reaches the target temperature.

Accordingly, Le Lievre et al. are not believed in any way to anticipate the specific features recited in Claim 1. Therefore, Claim 1 is believed to be allowable.

Dependent Claims 2-5, 7 and 8 depend directly or indirectly from Claim 1. Accordingly, substantially the same arguments as set forth above with regard to Claim 1 also apply to dependent Claims 2-5. Hence, each of the dependent claims is also believed to be allowable.

Claim 6 is directed to a method for controlling a temperature of cooling water of an internal combustion engine. In this method, the actuator is controlled according to **only** the monitored temperature so that the temperature of the cooling water approaches the target temperature.

Le Lievre et al. fail to disclose that the actuator is controlled according to **only** the monitored temperature so that the temperature of the cooling water approaches the target temperature. Although Le Lievre et al. disclose that, when the temperature of the cooling fluid is higher than the second threshold temperature T2, the control means 19 regulate the flow rate in the radiation branch 4 so as to maintain the temperature T of the cooling liquid around a specified setpoint value Tc,³ Le Lievre et al. do not disclose that how or based on what the flow rate is regulated so as to maintain the temperature T of the cooling liquid around a specified setpoint value Tc. The flow rate may be regulated according to the cooling water temperature **and** an engine torque, when the temperature of the cooling fluid is higher than the second threshold temperature T2. Nowhere Le Lievre et al. disclose that the actuator is controlled according to only the monitored temperature so that the temperature of the cooling water approaches the target temperature.

³ See Le Lievre et al., [0051].

Accordingly, Le Lievre et al. are not believed in any way to anticipate the specific features recited in Claim 6. Therefore, Claim 6 is believed to be allowable.

Consequently, in view of the present amendment, it is respectfully submitted that this application is in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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